

PC

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: October 23, 2006 Name: John C. Freeman, Esq. Signature: [Signature]

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PATENT
CASE NO. 56/446

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)
)
Andreas Hager et al.)
) Group Art Unit: unassigned
)
International Patent Application)
No. PCT/EP2005/003586)
)
International Filing)
Date: April 6, 2005)
)
U.S. Patent Application)
Serial No.: 10/565,708)
)
Filed: January 24, 2006)
) Examiner: unassigned
)
For: POSITION MEASURING)
SYSTEM)

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Information Disclosure Statement, PTO Form 1449, Two (2) Cited References.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).

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HOFFER
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& LIONE

BRINKS HOFFER GILSON & LIONE
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

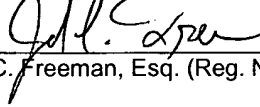
Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

October 23, 2006

Date

Respectfully submitted,



John C. Freeman, Esq. (Reg. No. 34,483)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 23, 2006.

Name of Registered Representative:

John C. Freeman, Reg. No. 34,483

October 23, 2006
Date of Signature

PATENT
CASE NO. 56/446

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Serial No.: 10/565,708)
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) Examiner: unassigned
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For: POSITION MEASURING)
SYSTEM)

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in

conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following references for consideration by the Examiner. Copies of the references, except the cited U.S. Patents, are enclosed along with a completed copy of Form PTO-1449.

I. DISCLOSURE

A. U.S. Patents

<u>Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
3,053,357	Stanger	09/11/62
5,137,406	Cosenza	08/11/92
6,415,524 B1	Müller et al.	07/09/02

B. Foreign Patent References

<u>Reference No.</u>	<u>Country</u>	<u>Publication Date</u>
780,237	U.K.	07/31/57
0 526 681 A1	EP	02/10/93

II. DISCUSSION

A. U.S. Patent No. 3,053,357

The '357 patent was cited as an A-type reference in a Search Report for PCT Patent Application No. PCT/EP2005/003586, the foreign counterpart of the above-mentioned application. An A-type reference provides the general state of the art which is not considered to be of particular relevance.

B. U.S. Patent No. 6,415,524

The '524 patent was cited as an A-type reference in a Search Report for PCT Patent

Application No. PCT/EP2005/003586, the foreign counterpart of the above-mentioned application.

C. U.K. Reference No. 780,237

The '237 patent was cited as an A-type reference in a Search Report for PCT Patent Application No. PCT/EP2005/003586, the foreign counterpart of the above-mentioned application.

D. European Reference No. 0 526 681

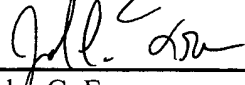
The '681 reference was cited as an A-type reference in a Search Report for PCT Patent Application No. PCT/EP2005/003586, the foreign counterpart of the above-mentioned application. It is believed that U.S. Patent No. 5,137,406 corresponds to the '681 reference.

III. CONCLUSION

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicants wish to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to

see. Applicants therefore request that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

Respectfully submitted,



John C. Freeman
Registration No. 34,483
Attorney for Applicants

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

Dated: October 23, 2006

FORM PTO-1449	SERIAL NO. 10/565,708	CASE NO. 56/446
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE January 24, 2006	GROUP ART UNIT Unassigned
(use several sheets if necessary)		APPLICANT(S): Andreas Hager et al.

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	3,053,357	09/11/62	Stanger		
	A2	5,137,406	08/11/92	Cosenza		
	A3	6,415,524 B1	07/09/02	Müller et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A4	780,237	07/31/57	U.K.		N
	A5	0 526 681 A1	02/10/93	EP		N

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.